



LEGISLATIVE AND POLITICAL RELATIONS

Katherine E. Doddridge
Acting Senior Staff Vice President

October 16, 2001

Dear Representative:

On behalf of the 205,000 members of the National Association of Home Builders (NAHB), I am writing to request your support and cosponsorship of H.R. 2829, the "Sound Science for Endangered Species Act Planning Act," introduced by Representative Greg Walden. This important legislation requires greater weight to be given to science that is empirical, field-tested, and peer-reviewed in making decisions such as listing or de-listing species under the Endangered Species Act (ESA.)

As you may know, listing a species under the ESA requires the use of "best available data." However, there is no definition for this phrase in the ESA, or anywhere in regulations implementing the Act. Consequently, species can be listed based solely on a single petition if it is deemed to be the best scientific data available. The golden-cheeked warbler, for example, was listed on the basis of one letter from a private individual.

Additionally, once a species is listed, the Fish and Wildlife Service and National Marine Fisheries Service often ignore additional or new science that supports the de-listing of that species. When the Service listed the coastal California gnatcatcher as a threatened species in 1993, it refused to seriously evaluate evidence that the population was not a valid subspecies and was genetically indistinguishable from the millions of gnatcatchers in Baja, Mexico. The best scientific data available on this issue, the first-ever range-wide genetic study of the gnatcatcher (co-authored by the original petitioner for the listing and published in the October edition of the *Journal of Conservation Biology*) now demonstrates that the coastal California gnatcatcher is not a distinct subspecies and is not genetically distinguishable from the millions of gnatcatchers in Baja, Mexico.

In determining if a species is to be listed as endangered or threatened, H.R. 2829 would give greater credibility to scientific or commercial data that has been field-tested or peer-reviewed. Any listing (or de-listing) of the species would need to be supported by data that is actually observed in the field. The bill also calls for recommendations by independent, expert scientific reviewers – or peer review – on proposed ESA actions for a species. The independent scientific review would be provided within three months of any respective action and conducted by individuals nominated by the National Academy of Sciences.

Reauthorization and reform of the ESA has been a priority for the housing industry for many years. NAHB strongly believes that H.R. 2829 is an important first step that will strengthen the ESA and I ask you to cosponsor this legislation. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Katherine E. Doddridge", is written over a light-colored background.

Katherine E. Doddridge

KD: lh